

SUMMARY STATEMENT

State v. Samuel J. Davis

Docket No. 44476

Samuel J. Davis appeals from his judgment of conviction entered upon his conditional guilty plea to robbery. Davis contends the district court erred in denying his motion to suppress because he invoked his right to counsel. After an individual is advised of his right to the assistance of counsel, interrogating officers are only required to cease questioning if the individual makes a clear and unequivocal request for counsel. In this case, Davis's statement that, "I think I need to talk to a lawyer before I say anything else," is equivocal. Because Davis did not unequivocally invoke his right to counsel, the officer was not required to stop questioning.

Davis also asserts his confession was involuntary. Whether a statement was involuntary turns on whether the defendant's will was overborne by police coercion. Further, if the defendant's free will is undermined by threats or through direct or implied promises, then the statement is involuntary and not admissible. Davis focuses on the nature of the questioning, asserting the detectives took advantage of the fact he did not want to be extradited back to Idaho. Davis submits that he only spoke to the officers after they promised to talk with the prosecutor, with whom Davis wanted them to discuss avoiding extradition. The detectives did not directly or indirectly promise Davis that he would be able to stay in Missouri. While the officers did promise to talk with the prosecutor, it was only an assurance of telling Davis's side of the story. The agreement to call the prosecutor did not rise to the level of his free will being undermined by direct or implied promises.